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9 UNITED STATES BANKRUPTCY COURT
10 DISTRICT OF NEVADA

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12 BK-N- 12-52799-btb
13 CHAPTER 7

14 IN RE

15 Adv. No. 15-

16 PATMONT MOTOR WERKS, INC.,

17 ADVERSARY COMPLAINT

18 Debtor(s).

19 _____
20 DONALD GIESEKE, Chapter Seven
21 Trustee,

22 Plaintiff

23 vs.

24 PATMONT MOTOR WERKS, INC.,
25 STEVEN PATMONT, HANNALORE
26 PATMONT aka HANNELORE
27 PATMONT

28 Defendant(s)
_____ /

COMES NOW Plaintiff, Donald Gieseke, Trustee of the estate of the Debtor above-named, by and through undersigned counsel, and for his claims for relief against the Defendants hereby avers as follows:

Jurisdictional Allegations

1. The above-named case was commenced by the filing of a Voluntary Petition for Relief under Chapter 11 of title 11, United States Code, by Patmont Motor Werks, Inc., on December 14, 2012.

Preference 11 U.S.C. §547

14. The Plaintiff incorporates the allegations contained in the preceding paragraphs as though set forth in full herein.

15. Steven Patmont is an insider of the Debtor as that term is defined by 11 U.S.C. §101(31).

16. Hannalore Patmont is an insider of the Debtor as that term is defined by 11 U.S.C. §101(31).

17. As of January 1, 2012 Patmont Motor Werks owed Steven and Hannalore Patmont in excess of \$2,000,000.00 on an antecedent debt.

18. Sometime after January 1, 2012 but before December 14, 2012 Steven and Hannalore Patmont received payment of \$113,000.00 from Patmont Motor Werks.

19. This transfer was made while Patmont Motor Werks was insolvent.

20. This transfer was made on or within one year before the filing of the petition herein.

21. This transfer enabled Steven and Hannalore Patmont to receive more money than they would have received had this been a case under Chapter 7 of Title 11, United States Code, had such transfer not been made and said Defendants received payment of the Debtor's indebtedness to the extent provided by the provisions of said Title 11.

22. That by reason of the foregoing, Plaintiff may avoid and recover said transfer pursuant to Section 547(b) of Title 11, United States Code.

SECOND CLAIM FOR RELIEF

11 U.S.C. §550

23. The Plaintiff incorporates the allegations contained in the preceding paragraphs as though set forth in full herein.

24. That by reason of the foregoing, Plaintiff may recover, for the benefit of the estate, the property transferred, or, if the Court so orders, the value of such property, from the Transferees pursuant to the provisions of 11 U.S.C. §550(a).


1 **WHEREFORE**, Plaintiff prays for Judgment against the Defendants above named as
2 follows:

3 1. On the **FIRST** claim for relief, for avoidance and recovery of the \$113,000.00
4 paid by Patmont Motor Werks to Steven and Hannalore Patmont.

5 2. On the **SECOND** claim for relief, for avoidance and recovery of the
6 \$113,000.00 paid by Patmont Motor Werks to Steven and Hannalore Patmont.

7 3. For such other and further relief as this Court may deem proper.

8 Dated: This 23 day of June, 2015

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11 By: 
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